

Entered - 06/22/00 - sb
CL00L0378 - DIANNE C. MITCHELL

CLAIM OF: BARBARA A. TYLER
47 April Avenue
Stockbridge, Georgia 30281

For damages alleged to have been sustained
as a result of a personal injury due to a fall on
the sidewalk at the intersection of Mitchell
and Washington Streets on June 26, 1998.

CONSENT AGENDA

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ATTEST: *REPORT*
Public Safety
8/11/2000
C. T. Marley
Michael D. ...
City Clerk
David ...
Dany ...

CERTIFIED
AUG 7 2000

CERTIFIED
AUG 9 7 2000
Rod ...
MUNICIPAL CLERK

ADVERSED BY
CITY CLERK
AUG 07 2000

August 28, 2000

Barbara A. Tyler
47 April Avenue
Stockbridge, GA 30281

00-R-1172

Dear Ms. Tyler:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on August 07, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400**.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0378

Date: July 6, 2000

Claimant /Victim BARBARA A. TYLER

BY: (Atty) (Ins. Co.) _____

Address: 47 April Avenue, Stockbridge, Georgia 30281

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ not stated

Date of Notice: 06/20/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/26/98 Place: Mitchell and Washington Streets

Department Public Works Division: Street Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges she was injured when she fell on the sidewalk at the intersection of Mitchell and Washington Streets. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

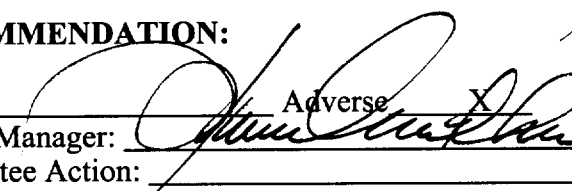
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 07-06-00

Committee Action: _____ Council Action _____

Barbara A. Tyler
June 15, 2000

Mitchell
06/29/00
DM

ENTERED - 6-22-00 - SB
00L0378 - DIANNE MITCHELL

City of Atlanta
Law Department
68 Mitchell Street, SW
Atlanta, GA 30334

Dear Madam/Sir:

I am enclosing some information along with the description of an accident, a fall, that I had on Friday morning, June 26, 1998, on the sidewalk just before reaching the intersection of Mitchell and Washington Streets, which resulted in some very serious injuries. I understand that Government has complete immunity from legal action in these type situations, but I was wondering if the City has insurance that could assist me in reimbursement for my medical expenses. My medical insurance paid the greater amount of my medical expenses (part by my State High Option Medical Policy and part by the HMO Blue Cross Blue Choice Policy, that I had changed to & which became effective July 1, 1998, during my stay in the hospital). I had about a 5-hour surgery on Saturday morning, June 27, in Georgia Baptist Hospital, where I was taken by ambulance on Friday morning, June 26, 1998 and remained there for continued therapy and care until Saturday, July 11, 1998. I was left owing around \$4,000.00 expenses and am still paying on bills.

After reviewing the information that I have enclosed, could you please give me an answer as soon as possible.

A policeman, which I thought was a City of Atlanta Policeman, was there and asked me questions, and it was pointed out to him where I fell. However, when I called to get a copy of the police report, they could not find a record of it.

So, I am just wondering if there is a possibility of some remuneration to assist me.

Thank you so much for your consideration.

Sincerely,

Barbara A. Tyler
Barbara A. Tyler
47 April Avenue
Stockbridge, Georgia 30281

Work phone: (404) 656-4060
Home phone: (770) 474-4048

Barbara A. Tyler
June 15, 2000
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Friday, June 26, 1998, at approximately 10:45 a.m.

While on my morning break, my supervisor and I were walking back to the office which is in Room 310 of the Trinity-Washington Building, at 270 Washington Street, Atlanta, GA. As we were walking on the sidewalk, passing the State Capitol Building (going south, not far from the street corner of the intersection of Mitchell and Washington Streets, just across the street from the Atlanta City Hall), the toe of my shoe caught on the uneven sidewalk, I tripped and "went flying" hitting the sidewalk very hard resulting in a broken left hip; chipped bone in my left elbow, deep abrasion to the left side of my left knee, jammed my right thumb, and got a bump just above my left eye. Since that time, I have discovered a pipe protruding above the sidewalk, (about a half inch or so) and I wonder if that didn't contribute to my fall even though I can't prove it.

I had to have surgery on my hip: (approximately 5 hrs. to put in pin.) Was in hospital from Fri. June 26, 1998 to Sat. July 11, 1998. I went through therapy in hospital and at home. I returned to work (on crutches) August 19, 1998. I really was weak, but pushed to perform my job. I still have to be careful with that hip because the pin that was put in will be permanent.

Barbara A. Tyler (Date of Birth: 05/09/1939)
47 April Avenue
Stockbridge, GA 30281

Employed since September, 1986 by:
GA Department of Revenue
Sales & Use Tax Division
P. O. Box 740390 (30374-0390)
Room 310, Trinity-Washington Bldg.
270 Washington Street
Atlanta, GA 30334

Supervisor: Ms. Colleen O. Ramirez
Office: (404) 656-4060

00- R-1172